

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 05, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JEREMIAH LINZ, individually and
on behalf of all others similarly
situated, CORY DAVIS, individually
and on behalf of all others similarly
situated, and AARON KAMINSKY,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

CORE VALUES ROADSIDE
SERVICE, LLC, and MARK
HYNDMAN,

Defendants.

No. 2:20-cv-00107-SMJ

**ORDER GRANTING MOTION TO
AMEND ANSWER AND
AFFIRMATIVE DEFENSES AND
COUNTERCLAIMS**

Before the Court, without oral argument, is Defendants Core Values Roadside Service, LLC and Mark Hyndman's Motion to Amend Answer and Affirmative Defenses, and Add Counterclaims, ECF No. 38. Defendants have attached a proposed First Amended Answer to the motion. ECF No. 38 at 4–19. Plaintiffs do not oppose to the motion but reserve the right to assert additional defenses or move to dismiss any of Defendants' counterclaims. ECF No. 41. Having reviewed the motion and the file in this matter, the Court is fully informed and

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1 grants the motion.


2 A party may amend its pleading “once as a matter of course” within specific
3 time periods. Fed. R. Civ. P. 15(a)(1). In all other instances, “a party may amend its
4 pleading only with the opposing party’s written consent or the court’s leave.” Fed.
5 R. Civ. P. 15(b). “The court should freely give leave when justice so requires.” *Id.*
6 In this case, Defendants do not contend they are permitted to amend as a matter of
7 right, and Plaintiffs do not object to the amendment. Moreover, because this case is
8 still nascent, amendment of the Answer is appropriate. Plaintiffs may assert
9 defenses or move to dismiss any of Defendants’ counterclaims as set forth in the
10 Federal Rules of Civil Procedure.

11 Accordingly, **IT IS HEREBY ORDERED:**

- 12 **1.** Defendants’ Motion to Amend Answer and Affirmative Defenses, and
13 Add Counterclaims, **ECF No. 38**, is **GRANTED**.
- 14 **2.** Within **seven days** of this order, Defendants shall file with this Court
15 and serve on Plaintiffs the proposed First Amended Answer.

16 **IT IS SO ORDERED.** The Clerk’s Office is directed to enter this Order and
17 provide copies to all counsel.

18 **DATED** this 5th day of June 2020.

19 
20 **SALVADOR MENDOZA, JR.**
United States District Judge